

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

Claims 5 and 10 are currently being cancelled, whereby the features of claim 5 have been incorporated into claim 1 and whereby the features of claim 10 have been incorporated into claim 7.

Claims 1, 6 and 7 are currently being amended.

No claims are currently being added.

This amendment amends and cancels claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-4, 6-9 and 11 are now pending in this application.

Claim Rejections Prior Art:

In the Office Action, claims 1 and 3-11 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,148,201 to Ernam et al.; and claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ernam et al. in view of U.S. Patent No. 6,504,839 to Valentine et al. These rejections are traversed with respect to the presently pending claims, for at least the reasons given below.

Presently pending independent claim 1 has been amended to recite that:

the load data communicating section of each gateway communicates the load data to the mobile communication control apparatus when the load measured by the load measuring section exceeds a predetermined threshold; and the gateway selecting device of the mobile communication control apparatus selects one of the gateways which has not communicated the load data.

Presently pending independent method claim 7 has been amended in a similar manner. Such features are not disclosed or suggested by Ernam et al. or by Valentine et al. In particular, in the present invention, the load on the network is minimized by the gateways only communicating their respective load data to the mobile communication control apparatus when their load exceeds a predetermined threshold; otherwise, they do not communicate any load data over the network.

In the system of Ernam et al., on the other hand, his MSCs communicate load information to a dispatching switch irrespective as to their current load amount. See column 13, lines 18-27 of Ernam et al. Accordingly, the system of Ernam et al. leads to more needless traffic on his network as compared to the presently claimed invention, and thus presently pending independent claims 1 and 7 are not anticipated by Ernam et al.

Since Valentine et al. does not rectify the above-mentioned shortcomings of Ernam et al., presently pending independent claims 1 and 7 are patentable over the combination of these two references.

Presently pending claim 5 has been written in independent form, and it recites, among other things:

the load data communicating section of each gateway communicates, at periodic intervals, a load value measured by the load measuring section to the mobile communication control apparatus; and

the gateway selecting device of the mobile communication control apparatus refers to the measured load value of each gateway and selects one of the gateways which has the smallest value.

Such features are not disclosed or suggested by Ernam et al. In the system of Ernam et al., his MSCs communicate load information to a dispatching switch based on queries sent out to the MSCs by the dispatching switch. See column 13, lines 18-27 of Ernam et al. Thus, Ernam et al. does not teach or suggest a system in which his MSCs send out load information to the dispatching switch at periodic intervals; rather, Ernam et al.'s MSCs send out load information only upon a request made by the dispatching switch.

It is noted that, in its rejection of claim 6, the Office Action asserts that "each MSC is capable of servicing a maximum number of calls and the dispatching switch 102 assigns each mobile unit to equalize the load (selects . . . with smallest value) among the MSCs (column 6, lines 1-5)." While this statement may be true, it is not pertinent to the features of claim 6 discussed above, in which load information is sent out by gateways to another device at periodic intervals (and not upon request by the other device).

Since Valentine does not rectify the above- mentioned shortcomings of Ernam et al., presently pending independent claim 6 is patentable over the combination of these two references.

Conclusion:

Since all of the objections and rejection raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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